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ARTICLE 1 - PREFACE & AMENDMENT OF RULES

It is the purpose of these Personnel Regulations to implement the provisions of the City Charter and personnel legislation by establishing standards and procedures and to provide detail to existing personnel related Charter provisions or personnel legislation. These regulations are provided as a guideline to be followed when a situation occurs which is not specifically considered in the City Charter, or specifically modified by an applicable labor contract.

Amendments to these Personnel Regulations may be made by the City Council upon recommendation from the City Manager.

All full-time and part-time employees of the City shall be given a copy of these regulations. All newly appointed full-time and part-time employees shall be given a copy of these Regulations at the time of their appointment. Any amendment to these regulations shall be made available to ALL employees. It shall be the obligation of each employee to read and be familiar with these rules and to keep his or her copy of these regulations up to date by inserting amended pages and distributed rulings and interpretations as may be generated by the City Manager's Office. Failure to be familiar with these rules shall not be an excuse for failure to comply with them.

This manual is provided only as a general guide to your employment. It is not a contract, nor shall it be construed as one. The City, through action of the Huber Heights City Council, reserves the right to change the contents of this manual at any time, with or without notice and retroactively or prospectively. This manual also serves as notice that no one employed by or acting on behalf of the City is authorized to make oral statements which in any way alter the terms and conditions of your employment. Anyone making such statements has acted beyond the scope of their authority so, of course, their statements should be disregarded.

The official name or class of positions for an individual position shall be known as the "Classification of the Position" or just "Position". It shall be used as applicable including and not limited to any announcement of competitive examinations. Nothing herein shall preclude the use of a generic title instead of the official name of such a classification if the City chooses to use a jointly administered selection procedure.

Council members are not covered by these Personnel Regulations except as expressly provided herein or as provided in other legislation adopted by the Council.

The Clerk of Council and Assistant Clerk of Council are covered by the Personnel Regulations except that, since they are employees hired directly by Council, the Mayor acts in place of the City Manager in administering these Personnel Regulations where the City Manager or others are otherwise stipulated herein. Where these Personnel Regulations require ministerial acts by the City Manager or others regarding the Clerk or Assistant Clerk, the Mayor shall be authorized to perform such acts. It is the intent of the Council that the Clerk and Assistant Clerk receive all the benefits given to other non-union employees of the City covered herein except as expressly modified herein or in other legislation adopted by Council.

ARTICLE 2 - MERIT SYSTEM and DEFINITIONS

Merit System

Pursuant to Article 8, Section 8.01, of the Charter, except as modified by Section 8.02, the merit system of employment shall prevail. Seniority shall be one factor in the determination of merit, but in no case shall seniority be deemed to supersede the application of merit employment principles. This principle of merit employment shall apply to hiring, promotion, salary increases, and to the continued employment of any employee. It shall also be deemed to require employees to acquire and maintain the necessary skills, abilities, and certification to fulfill properly and completely the duties of the classification in which they are employed.

Definitions

Section 2.1 - Appointing Authority

The City Manager is the Authority for the City by authority of the City Charter, Section 6.02(6).

Section 2.2 - Exempt Classifications

All positions in the administrative service of the City shall be filled pursuant to open competitive examinations except the following, which shall constitute the "exempt service" of the City. (Exempt, in this instance refers to the appointing authority under the City Charter and has no bearing as to exempt/non-exempt status as related to the Fair Labor Standards Act (FLSA).)

- 1) City Manager;
- 2) Clerk of Council and Assistant Clerk of Council;
- 3) Directors of Departments and their assistants, Division Heads, and the Director of Personnel;
- 4) Assistant City Managers and assistants to the City Manager;
- 5) Secretary to the Manager and personal secretaries to all heads of departments and divisions, or sub-units thereof, and secretaries of boards and commissions;
- 6) City Attorney, assistant or Acting City Attorneys, and the City's prosecutor and assistant prosecutors;
- 7) any office or position requiring professional or scientific skills or knowledge;
- 8) unskilled laborers, as determined by the Manager;
- 9) seasonal or part-time employees, as determined by the Manager;
- 10) all officers and employees appointed or whose appointment is approved by the Council under its Charter authority;
- 11) volunteer members of any fire department and members of any police auxiliary unit of the City, and
- 12) members of boards, commissions and other agencies, and all elected officials of the City.

Section 2.3 - Classified Employees

Same as Nonexempt Employees.

Section 2.4 - Nonexempt Classifications

Employees not specifically exempt by the Charter of the City of Huber Heights are sometimes referred to as Nonexempt Employees. Such Nonexempt classified employees shall be employed under the classified service of the City. Appointment to the classified

services of the City shall be determined on the basis of open, competitive examinations except when there is only one qualified candidate. (Non-exempt, in this instance refers to the appointing authority under the City Charter and has no bearing as to exempt/non-exempt status as related to the Fair Labor Standards Act (FLSA).)

Section 2.5 - Eligibility List

A list of potential employees who are ranked by the appropriate Department/Division Head.

Original Eligibility List. A list of potential employees who are ranked by the appropriate Department/Division Head according to their scores on the employment examination.

Promotional Eligibility List. A list of employees who are ranked by the appropriate Department/Division Head according to their scores on the promotional exam for the position which the employees have applied.

Re-appointment Eligibility List. List created by the appropriate Department/Division Head in which the employees shall be ranked in inverse order of their layoff.

Section 2.6 - Calendar Year

Twelve month period beginning January 1 and ending December 31 of each year.

Section 2.7 - Fiscal Year

Same as calendar year.

Section 2.8 - Work Year

A period of twelve consecutive months begins on the first day of employment for an individual. All benefits shall accrue from date of employment.

Section 2.9 - Probation

That period of time that begins immediately after a person is appointed by the City Manager. All full-time employees shall serve a minimum probationary period of twelve (12) months unless specified contrary in the current collective bargaining agreement. After six (6) months of employment, the employee and the supervisor shall participate in a personnel evaluation process to assess the employee's work record to date.

Section 2.10 - Personnel Appeals Board

A three-member board created by City Charter; the members of which are appointed by the City Council for the purpose of hearing appeals by City employees in the nonexempt service who are not part of a grievance procedure feeling aggrieved by an action taken by their supervisors.

Section 2.11 - Layoff

A reduction in the work force of the City as determined by the City Manager.

Section 2.12 - Leaves

An authorized paid or unpaid absence from duty for a specified period of time.

Section 2.13 - Allowances

Consist of monetary reimbursements by the City for activity that involves an extraordinary expense to the employee, e.g. meal allowance, private automobile allowance. All such allowances must be authorized by the Department/Division Head and approved by the City Manager for payment.

Section 2.14 - Retirement

To withdraw from active duty with the City of Huber Heights subject to the applicable rules, regulations, and statutes of the State of Ohio and in accordance with the rules of the Public Employees Retirement System or the Police and Fire Pension System.

Section 2.15 - Resignation

Voluntary withdrawal of employment from the City. Employees resigning from the service of the City shall not be entitled to compensation for accumulated sick leave.

Section 2.16 - Abolishment Of Position

Elimination of any particular position or classification from the personnel structure of the City, with the result that there is no job for the employees whose position or classification has been abolished.

Section 2.17 - Probationary Employee

An employee on a trial status during the initial period of employment. All newly hired City employees are on a probationary status which, unless provided otherwise by union agreement or other documents, extends for twelve (12) months from the date of hire. Probationary employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.18 - Regular Full-Time Employees

An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year. In the case of nonunion full-time fire department employees working 24-hour shifts, annual hours shall be no less than 2,704. Regular full-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.19 - Regular Part-Time Employees

An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of less than 40 hours, per week. Regular part-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A. Part-time employees shall participate in a bona fide retirement system subject to rules by the Federal Government, State of Ohio, and/or the City. Eligibility for part-time employees to be entitled to benefits as outlined herein shall be decided by the City Manager.

Section 2.20 - Provisional Full-time Employees

An employee whose work assignment is limited in duration to eleven (11) months or less, and works a shift schedule which on an annual basis would total no less than 2,080 hours. Such Employees are to be hired in order to maintain public services for the City as deemed necessary by the City Manager. Temporary full-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.21 - Provisional Part-time Employees

An employee whose work assignment is limited in duration to six months or less, and works a shift schedule which on an annual basis would total less than 2,080 hours. Temporary part-time employees shall be afforded, in addition to wages, those benefits as highlighted in Appendix A.

Section 2.22 - Hourly Employees

Employees who normally work less than forty (40) hours per week, Assuming a 2,080-hour work year, and receive wages only and no other benefits of employment.

Section 2.23 - Seasonal Employees

Employees who work a certain regular season or period of the year performing some work or activity limited to that season or period of the year. Seasonal employees are paid hourly and receive wages only and no other benefits of employment.

Section 2.24 - Student Intern Employee

An employee who is regularly enrolled as a student in a recognized educational institution and is assigned to a full or part-time position which, in the case of post-secondary students, is related to the student's course of study, and which will continue for no longer than the then current semester or term at the student's school; provided, however, that subsequent work assignments may be made for the same student for periods which correspond to the student's subsequent semester or term. Student intern employees are paid hourly and shall be afforded those benefits listed in Appendix A.

ARTICLE 3 - EMPLOYEE SELECTION

Section 3.1 - Equal Opportunity Employer

The City of Huber Heights is an Equal Opportunity Employer which recruits, appoints, assigns, and disciplines all employees or potential employees on the basis of merit without regard to race, color, religion, sex, national origin, ethnic heritage, disability, or any factor precluded by applicable laws.

It is the policy of this City that employees engaging in discriminatory actions will be disciplined accordingly. Such disciplinary action may include discharge from employment.

Section 3.2 - Promote from Within

When a position within the City becomes vacant or is created, an internal job notice will be posted. The posting will be made at all Division or Department Headquarters in prominent areas allowing all current employees the opportunity to make application. The notice will be posted for seven (7) calendar days and will contain information pertinent to the position. Preference will be given to existing employees consistent with a "Promote From Within Policy", whenever possible, prudent, and all other factors being equal. Such preference will also be given to Huber Heights residents in the rendering of hiring and promotion decisions. Nothing in this section is to be construed as conferring automatic hiring/promotion for current employees or residents of Huber Heights.

Section 3.3 - Exempt Classifications

Exempt employees may be appointed by the City Manager without need of competitive examination, advertisement, or the creation of an eligibility list.

Section 3.4 - Announcement of Examinations

Notice of examinations shall be publicly announced by the City Manager. The notice shall be placed in at least one newspaper of general circulation, and/or by such other means deemed desirable by the City Manager. Posting of such examinations shall also be made at all Department or Division headquarters allowing all current employees the opportunity to be advised of the examination. The City Manager shall also publicize the examination in any other means as may be appropriate to comply with State, Federal, and Local Guidelines regarding hiring practices. The announcement shall specify the type, time and place of the examination. It shall also supply information regarding method and deadline for filing applications, the nature of the work to be performed, minimum qualifications, if any, and other information deemed pertinent by the City Manager.

The announcement of examination as required by these Personnel Regulations shall be posted as described above no less than ten (10) business days prior to the deadline for submission of application. Nothing herein shall prohibit the use of classified advertisement to supplement the required notice. Such notice and/or classified ad shall include the statement announcing that the City is an Equal Opportunity Employer and conducts pre-employment drug screenings.

Section 3.5 - Applications

Applications shall be made on forms prescribed by the City Manager. Such forms shall comply with City, State and Federal guidelines for employment applications and shall state that the City is an Equal Opportunity Employer. Applications shall be kept on file by the City Manager's Office for a period of two (2) years and shall be invalid two (2) years from the date of submission. Upon receipt, the City Manager's Office shall review applications for completeness and compliance with any minimum qualifications as may be predetermined. The applicants may be required to submit written proof regarding any statement made on the application form.

The City Manager may make suitable inquiry of employers, educational institutions, and character references to verify statements made on the application. In addition, the City Manager may dismiss an applicant for submitting misleading or false information. The appointing Authority may dismiss an employee if later on it is discovered that his application and/or resume contained false information.

Section 3.6 - Pre-Employment Requirements

All new permanent employees shall be required to pass a pre-employment drug screening. Dependent upon the nature of the position a new employee may be required to pass one or any combination of the following; physical examination, stress test, and/or psychological tests, prior to appointment. Such examinations shall, as necessary, comply with any Federal, State, or City laws regarding pre-employment examinations and the City shall recognize the need under those laws to make reasonable accommodations for disabled employees wherever possible.

Section 3.7 - General Examinations

As a general rule, all examinations shall be open and competitive. In case of a vacancy in the non-exempt service where exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that competition in such special case is impractical, and that the position can best be filled by the selection of a person of the recognized qualifications, the City Manager may suspend

in writing these regulations requiring an examination. Examinations for non-exempt positions shall consist of a test or a series of tests approved by the City Manager or his/her designee. Such tests shall be designed to test the relative capacity and qualifications of all applicants to discharge duties of the position for which the examination is given. The City Manager or his/her designee shall determine the nature of the examination and the weight and scoring method to be attributed to each part. The City Manager or his/her designee shall grade the examinations, taking care to preserve the anonymity of the competitors in the written portion until grading is complete. If practical, the City Manager or his/her designee and the applicable Department/Division head are authorized to retain the services of a professional testing agency for the purpose of conducting employment examinations. The appropriate Department/Division Head shall be responsible for evaluation of the test results and determination of the qualifications of any applicant. Should any applicant be deemed unfit, that applicant will be informed that he or she is no longer under consideration for the position.

The appropriate Department/Division Head shall recommend and the City Manager shall assign value to the various tests used when more than one test is used. The applicant shall be made aware of the requirements for successful completion of an examination prior to taking such examination, and shall be made aware of the various values assigned to each test by written attachment to the application or at the test site.

Each person who participates in any such examination shall be given written notice at his or her last known address as to the success or failure in the completion of the examination, and shall be made aware of his or her status regarding potential employment with the City.

No person who has failed to pass an examination shall be reexamined for the same class or position within six (6) months of the date of such failure except at the discretion of the City Manager. However, if a person fails his previous examination by ten percent (10%) or more, the waiting period for reexamination shall be one (1) year, and if any applicant fails two (2) examinations, he cannot take another examination for the same position for at least two (2) years after the last one.

There may be a fee charged to take any examination. The City may choose to participate with other governments in cooperative examination procedures.

Section 3.8 - Lateral Entry

The City Manager shall have authority to determine that competitive examinations for lateral entry positions requiring previous experience and training may dispense with written examination questions, and instead, may insist on completion of an application, submission of proof of experience and training as is deemed a requirement for the position, evaluation of that prior experience and training, an oral interview, and such other matters as the City Manager may determine are appropriate.

Section 3.9 - Promotional Examinations For Non-Exempt Positions.

Whenever, in the judgment of the City Manager, vacancies in non-exempt positions above the original entry level should be filled by promotion, a promotional examination shall be given. A deadline for filing an application shall be announced. Such examination may be either written, oral, psychological, or a combination of all of these. If no one applies for such tests or if less than two are qualified, promotions may be filled

through outside eligibles or through opening the next lower classification.

The City Manager and the appropriate Department/Division Head shall determine eligibility for promotional examinations in all departments after consideration of qualifications and merit rating.

Section 3.10 - Eligibility Lists

There shall be three types of eligibility lists within the personnel service of the City. These lists are defined in Article 2, Section 2.5. Eligibility lists, in order to be valid, shall be certified and maintained, as deemed necessary by the City Manager or his/her designee. No eligibility lists are required for Unskilled Laborers.

All eligibility lists shall have a duration of twelve (12) months with an option on the part of the City Manager to extend such an eligibility list for one additional twelve (12) month period.

Eligibility lists shall rank in order of relative merit of each applicant for any position. Such ranking shall be made on the basis of merit as determined by competitive examinations where applicable in the case of original appointment lists and promotional eligibility lists. Eligibility lists for the purpose of reemployment shall also be based on merit as determined by prior service including seniority. Applicants for reinstatement and reemployment will also be required to pass a pre-employment drug screening and a physical examination or such other requirements as the Department/Division Head may deem appropriate. Any individual whose name appears on an eligibility list and who declines appointment when offered shall be removed from that eligibility list. When such list contains only two names, the appropriate Department/Division Head may recommend appointment of one of those two individuals or may recommend to the City Manager that the examination process for the position in question be begun again.

It is incumbent upon any applicant to make the appropriate Department/Division Head aware of any address changes during the time that any individual is on the eligibility list. In attempting to locate an individual, the appropriate Department/Division Head shall only be required to mail a certified letter to the last known address of the applicant. The applicant shall have ten (10) days from the mailing of said certified letter to contact the Department / Division Head. If such contact is not made, the applicant's name may be removed from the eligibility list.

Section 3.11 - Appointment.

After creation of an eligibility list, and in order to appoint an individual from the list to a position within the City, the appropriate Department/Division Head shall certify to the City Manager that a vacancy exists in the department of the City. Upon such certification being acknowledged by the City Manager, the appropriate Department/Division Head shall give written notice to certified eligibles. The appropriate Department/Division Head then may recommend to the City Manager that any one of the top three (3) individuals be appointed to fill that position. Such recommendation shall take into account the overall fitness of a candidate as determined through the evaluation process. The City Manager as appointing authority may select any one of the top three candidates. When the appointment is made, the City Manager shall inform the Department/Division Head in question, and the appointee. If the Department/Division Head does not receive a written acceptance of such appointment from the appointee within six (6) days of the date

the City notified him of the written notice of appointment, such appointment shall be void. In this case, the Department/Division Head shall certify one additional name to the Appointing Authority. Such additional name may be taken from the remaining names on the original appointment list for the position involved.

Section 3.12 - Provisional Appointments

Whenever circumstances exist which requires that a vacancy in an exempt position, as defined by the City Charter, be filled at once in order to maintain public services, the City Manager may appoint any qualified person temporarily to perform the duties of the position. However, no such appointment shall be for a period longer than six (6) months unless the emergency is of greater duration than six (6) months, in which case the appointment may be renewed by the City Manager up to an additional six (6) months.

In the event a vacancy exists in a non-exempt position, as defined by the City Charter, for which no current eligible list has been created, the Department/Division Head shall so inform the City Manager. If the City Manager determines that the best interest of the City requires a prompt appointment to the vacancy, the Department/Division Head shall submit the application of any person or persons internal or external to the organization deemed by him to be suitable for noncompetitive examination. If, on review, the applicant is found to possess the minimum qualifications established by the Department/Division Head for the position to be filled, the City Manager may authorize his appointment as a provisional employee.

A provisional appointment shall remain in effect until an eligibility list is created by the Department / Division Head and an appointment has been made and accepted by the City Manager. The process of creating such a list shall begin within six (6) months from the existence of a vacancy and shall be completed within nine (9) months. Said provisional employee shall not be precluded from becoming a candidate for employment.

Appointments from the eligibility list shall be on a competitive basis except where the Department / Division Head finds that there is an insufficient number of applicants to justify competition. In such a case, the provisional employee may be appointed as an employee on a noncompetitive basis.

ARTICLE 4 – GENERAL EMPLOYMENT POLICIES

Section 4.1 - Probation

Upon appointment by the City Manager, all appointees including both new and promoted employees shall serve a minimum probation period of twelve (12) months unless specified to the contrary in a current collective bargaining agreement. During this twelve (12) month period, the employee shall be considered a probationary appointee.

At the successful completion of the probationary period, the individual shall attain regular employee status. Such appointment shall be automatic unless the Department/Division Head, upon approval of the City Manager, extends the probationary period. The probationary period may be extended a maximum of six (6) months in addition to the original twelve (12) months.

Probationary employees may be removed, demoted, or disciplined at any time without cause during the probationary period by simple written notice to the employee by the City Manager. Such removal or demotion shall not be subject to appeal. Copies of all such notices involving removal or demotion shall be made part of the employee's personnel

record.

Section 4.2 - Residency

City residency will be mandatory for the City Manager and strongly encouraged for the following administrators hired after January 1, 1995.

Director of Public Safety
Finance Director
Police Chief
Fire Chief

Director of Public Service
City Engineer
Planning & Development Manager
Streets Superintendent

Section 4.3 - Pay Schedule Plan

This plan shall be defined as salaries, remunerations, and any extra compensation as approved by the City Manager as outlined in ordinances of the City. Employees who are represented by a collective bargaining unit shall receive salary, wages and other compensation for employment as described by the appropriate collective bargaining agreement.

The City Council shall be responsible for establishing the salaries of the City Manager, the Clerk of Council, and the Assistant Clerk of Council. All other non-union employees' salaries shall be determined and authorized by the City Manager. The salary, which is established by the City Manager, shall not exceed the maximum amount established by City Council through resolution.

Increases in salary for non-union employees shall occur only after a written evaluation has been completed by the appropriate Department/Division Head and approved by the City Manager. The evaluation should include information pertaining to merit, changes in responsibilities, and any other factors pertinent in determining the basis of the increase. Any increase in salary may not exceed the maximum authorized salary as set by City Council. The above provisions do not apply to seasonal or temporary employees.

Section 4.4 - Job Description

Each position within the City shall have a job description which will describe the essential functions and responsibilities of the work, a description of the duties of the position, and a statement of the minimum qualifications a person should possess to perform the work. Each job description should state whether the position is exempt or non-exempt. Each job description is illustrative in nature and does not limit a supervisor's ability to assign or direct the employee to perform, as part of his or her job, additional tasks or duties of the same general nature or related to or growing out of the matters discussed in the job description. Each newly appointed employee and existing employee shall be expected to read and sign their job description for their position along with their Department/Division Head and the City Manager.

Section 4.5 - Performance Evaluations

In cooperation with Department/Division Heads, the City Manager shall establish a system of service ratings based upon standards of performance which shall include at least annual reviews for each employee. Reviews may occur more frequently if deemed desirable by any City Department. Overall, the employee performance review system will emphasize open, positive communications between employees and supervisors, and will result in agreed upon performance plans for each employee to serve as an objective

basis for determining performance. Performance standards shall measure the quantity of work performed, the manner in which such service is rendered, the faithfulness of the employee to his or her duties, and other such characteristics as may measure the value of the employee to the municipal service. Service ratings shall be considered in determining salary increases and decreases within the fixed limits of the compensation plan, as a factor in determining order of layoff, and as a factor in determining the demotion or dismissal of an employee. The service ratings for each employee shall be available for review by that employee. Supervisory staff shall review & service ratings with the employee.

Upon completion of the performance review, a copy of the evaluation form shall be forwarded to the City Manager's Office for placement in the employee's personnel file.

The City Manager shall prescribe the necessary forms for reports of all personnel changes in the City service which shall be used by all supervisors.

Section 4.6 - Employee Recognition Programs

1. Employee of the Quarter / Year

It is the City's desire to identify and recognize employees who show outstanding performance and best exemplary representation of their position. The City Manager will recognize quality employees and grant Employee of the Quarter and Year awards.

2. Attendance Bonus

Non-Union full time employees who have not used more than eight (8) hours of sick leave during the calendar year, shall receive a \$75.00 bonus or at their option one (1) additional personal leave day. Such bonus or personal absence day shall be credited during the month of January following the calendar year the bonus was earned.

Section 4.7 - Outside Employment

An employee may engage in outside employment as long as the particular employment does not interfere with his/her City job. Employees are required to advise and receive approval from their Department/Division Head and in the case of Department/Division Heads, the City Manager of such outside employment. Permission may be denied or rescinded for outside employment for any of the following reasons:

- A.) It requires the employee to be late or leave early from work,
- B.) There would be a real or perceived conflict of interest,
- C.) It interferes with the employee's job performance, or
- D.) In any other way it results in a disadvantage to the City.

Employees are not permitted to use City issued uniforms and may not use City equipment while engaged in outside employment.

Section 4.8 - Political Activities

This policy ensures compliance with the City Charter and/or City Ordinances and Laws of the State of Ohio that every employee and officer of the City retains the right to:

- 1) Express personal opinions as an individual Citizen, privately and publicly, on political subjects and candidates;

- 2) Attend political rallies, fund-raising functions, or other political gatherings;
- 3) Sign a nominating or other political petition;
- 4) Make a financial contribution to any political party organization or candidate;
- 5) Display political yard signs on personal real property;
- 6) Display political bumper stickers on personal cars;
- 7) Wear political buttons, badges, or stickers when not working for the City, or serve as an election official with the approval of the City Manager.

Section 4.9 - Employee Complaint Procedure

There shall be an earnest, honest effort to settle differences and disputes promptly. If there are allegations that the City has violated any term of this Manual, such allegations shall be handled in accord with this Article:

- STEP 1 The employee shall reduce the complaint to writing on forms supplied by the City for this purpose and present it to the immediate supervisor. Three copies of the complaint form shall be prepared, dated, and signed by the employee, and distribution shall be as follows: One (1) copy to the immediate supervisor; one (1) copy to the Department Head, if applicable; and one (1) copy to the City Manager. The time limit for filing a complaint shall be seven (7) days from the time the employee or City could reasonably have learned of the circumstances giving rise to the complaint. The immediate supervisor may reply in writing by the end of the third calendar day after it was presented to him. If the employee does not refer the complaint to the second step of the procedure within seven (7) calendar days after receipt of the decision rendered in the first step, it shall automatically be considered to be satisfactorily resolved. If the City fails to reply within the specified time limit, the complaint shall be automatically referred to the next step.
- STEP 2 If the complaint is unresolved at the preceding step and is referred to the second step, it shall be referred in writing to the Department Head or his designated representative by the employee. After receipt of the grievance, the Department Head or his designated representative may reply to the employee in writing by the end of the third calendar day, excluding Saturdays, Sundays, and legal holidays, If the employee does not refer the complaint to the third step of the procedure within seven (7) calendar days after receipt of the decision rendered in the second step, it shall be considered to be satisfactorily resolved. If the City fails to reply within the above time limit, the complaint shall automatically be referred to the next step.
- STEP 3 If the complaint is unresolved at the preceding step and is referred to the third step, it shall be referred in writing to the City Manager by the employee. After receipt of the complaint, the City Manager may reply to the employee, in by the end of the third calendar day, excluding Saturdays, Sundays, and legal holidays. If the employee does not refer this complaint to the fourth step of the procedure within ten (10) calendar days after receipt of the City Manager's reply, it shall be considered to be satisfactorily resolved. If the City Manager fails to reply within seven (7) calendar days, the employee's sole remedy is to pursue the complaint on to

the Personnel Appeals Board within the next ten (10) calendar days. By City Charter, Step 3 is the final available step for exempt employees.

STEP 4 If the grievance is unresolved at the preceding step and is referred to the fourth step, the procedure outlined in Section 8.04 (B) of the City Charter will take place.

Time limits imposed by this Article may be extended at any time by mutual written consent of the parties in that step. Likewise, any step in the complaint procedure may be eliminated by mutual written consent of the City Manager and the employee.

ARTICLE 5 - PERSONNEL FILES

Section 5.1 - Employee May Inspect Personnel File

Each employee may inspect his/her personnel file maintained by the Employer at any reasonable time during regular business hours upon written request by the employee and approval of the Department Head. The employee shall, upon written request, receive a copy of any documents contained therein. An employee shall be entitled to have a representative of his/her choice accompany him/her during such review.

Section 5.2 - Statement of Rebuttal

If an unfavorable statement or notation is in the file, the employee shall be given the right to place a statement of rebuttal or explanation in his/her file. No anonymous material of any type shall be included in the employee's personnel file,

Section 5.3 - Removal of Documents from Personnel File

Records of oral warnings, written warnings, or unfavorable statements or notations of a non-disciplinary nature excluding at a minimum, last chance agreements and decisions of the Board of Personnel Appeals shall cease to have force and effect one (1) year from the date of issuance and shall, upon request of the employee, be removed from the personnel file provided no intervening discipline has occurred. Any record of discipline of any kind shall cease to have force and effect three (3) years from the date of issuance and shall, upon request of the employee, be removed from the personnel file provided no intervening discipline has occurred.

ARTICLE 6 - EMPLOYEE CONDUCT

Section 6.1 - Drugs/Alcohol

The responsibility to correct unsatisfactory job performance or behavior resulting from suspected health problems rests with the employee. Failure to do so can result in disciplinary action.

An employee with mental health problems or chemical dependency adversely affecting the employee's work performance will receive the same careful consideration and offer of assistance that is presently extended to employees having other illnesses. Said assistance shall be in the form of the Employee Assistance Program as well as any eligible coverage as provided through the City's health insurance program.

Health and Sick leave benefits can be used within the limits of current benefit levels.

Section 6.2 - Fitness for Duty

In order to provide a safe working environment, to assure the public trust, and to promote

the health, welfare, and safety of employees and citizens served alike, the City of Huber Heights requires its employees to report for duty in a physically and mentally fit state and free of alcohol, medication, or drug use.

The City may, at its discretion, require that employees submit to a physical and mental examination by a doctor appointed by the City, when tests and examinations are considered to be of value to the City in maintaining a capable work force, employee health and safety, etc. The City will pay the cost of such test and examinations. The City may, at its discretion, require that employees provide specific and detailed medical data from the employee's doctor, the City's doctor, and/or a personal affidavit stating the cause of the absence, for any illness or injury which resulted in lost work time.

In the event the employee reports for work in a manner unfit for duty, counseling shall be afforded the employee consistent this section.

Section 6.3 – Sexual Harassment Policy and Complaint Procedure

A). The City of Huber Heights strictly prohibits sexual harassment of employees in the workplace by any person, in any form. It is both illegal and against the policy of the City for any person, male or female, to sexually harass an employee. The City has identified four situations in which unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment:

1. When an employee must submit to such conduct as a condition of employment,
2. When decisions about an employee's job such as promotion, demotion, benefits and wages are based on submission to or rejection of such conduct,
3. When such conduct "unreasonably interferes" with job performance; and
4. When such conduct creates an "intimidating, hostile or offensive" working environment.

B). The first two categories are commonly referred to as "quid pro quo" sexual harassment, in which acquiescence to sexual advances or some type of sexual consideration is required in exchange for a tangible job benefit. The third and fourth categories prohibit sexual harassment based on a "hostile or offensive" work environment, even where there has been no conditioning of employment benefits for sexual favors. Such harassment typically involves workplace conduct such as lewd or explicit sexual remarks, innuendos, jokes, gestures, touching; discussions of sexual activity or the display of obscene or suggestive pictures or cartoons. Sexual harassment does not include occasional compliments of a socially acceptable nature.

C). The City recognizes that the question of whether a particular action or incident is a purely personal, social interaction without a discriminatory employment effect requires a factual determination based on all the facts involved in that incident. Given the nature of this type of discrimination, the City recognizes also that false accusations of sexual harassment can have serious effects on innocent women and men.

D). Each City supervisor is responsible for maintaining a workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they need not endure insulting, degrading or exploitive sexual treatment. Further, each individual employee has a responsibility to assist in eliminating all forms of prohibited sexual harassment from the workplace, and to use the following complaint

procedure as soon as possible after being the victim of any form of sexual harassment in the workplace.

E). Complaint Procedure.

1. Any person may file a complaint if they believe that another person has sexually harassed them in this workplace. All employees are required to file a complaint if they believe they have been sexually harassed in the workplace.
2. All complaints alleging sexual harassment shall be filed with the EEO Coordinator, who is the Human Resources Manager, or any other department or division head. A written form is available from any department or division head for the filing of complaints. Complaints should be filed as soon as possible after the date the alleged discrimination occurred.
3. All complaints will be investigated. The EEO Coordinator will conduct most investigations. The investigation shall be commenced within 10 working days following the filing of the complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.
4. The investigator shall issue a written determination as to the validity of the complaint and a resolution of the complaint, and a written copy mailed to the complainant within three working days following the completion of the investigation.
5. A complainant may request reconsideration of such determination. The request for reconsideration shall be made within 10 working days following the date the complainant receives the determination. The request shall be made to the investigator's immediate Supervisor. The Supervisor shall review the record of said complaint and may conduct further investigation if necessary. The Supervisor shall issue a decision within 20 working days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the Supervisor is final.
6. Upon the completion of an investigation of a complaint of sexual harassment against an employee, the investigator shall provide the results of the investigation to the employee's division head. After review of such information, the division head, if appropriate, shall hold a pre-disciplinary conference as provided in this manual. Employees found in violation of this policy shall be subject to disciplinary action as provided in this manual.
7. Non-employees found to have sexually harassed an employee will be dealt with appropriately as allowed by law.

Section 6.4 - Gifts or Gratuities

Due to the nature of local government and the fact that all employees are agents of the public for the benefit of the public, employees shall not solicit nor accept personal gifts or favors from any person, business, or organization.

Section 6.5 - No Smoking

The City of Huber Heights recognizes the rights of non-smokers to breathe clean air by restricting smoking in all city-owned buildings except in those areas that are designated smoking. The City recognizes the rights of individuals to smoke, provided such actions does not endanger life or property, cause discomfort, or unreasonable annoyance to non-smokers or infringe upon their rights. Smoking shall not be permitted, including in vehicles, except in designated smoking areas.

Section 6.6 - Garnishment

When an employee incurs debts that are not paid, a claim can be made against the salary paid by the City. This is called a garnishment. A garnishment is a court order which requires that a certain amount be deducted from an employee's pay check in compliance with such a court order. Any employee whose wages have been garnished due to two (2) or more court orders may be subject to disciplinary measures. City employees are expected to be financially responsible citizens who take care of their debts.

Section 6.7 - Prohibiting the use of Federal Funds

It shall be the policy of the City of Huber Heights, Ohio not to use federal funds for any type of partisan political activity.

ARTICLE 7 - DISCIPLINE

Section 7.1 - General

Any actions that reflect discredit upon the City's service or is a direct hindrance to the effective performance of the City's Governmental functions is good cause for disciplinary action against any employee. The primary objective of disciplinary action shall be to correct an employee's action or behavior toward improving the overall performance, efficiency, and morale of the City's employees. The use of discipline by management staff should be administered in a positive and constructive manner. To that extent, management staff is encouraged to, wherever and whenever applicable, make use of counseling between the supervisor and subordinate, and if necessary, through the Employee Assistance Program (EAP) as well as any eligible coverage as provided through the city's health insurance program.

Every employee shall exhibit good behavior and efficient service during their tenure with the City. Any such employee may be removed or disciplined for incompetence, failure to maintain standards or certification, inefficiency, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of the ordinance of the City or the laws of the State of Ohio or the United States of America; violations of those Personnel Regulations, any other failure of good behavior, or any other acts of misfeasance, malfeasance, and/or nonfeasance. Nothing in this Article shall be construed to limit the right of the City to lay-off or separate from the service any officer or employee in the event any position becomes unnecessary or is abolished by reason of lack of funds or technological advancements.

Section 7.2 - Types of Offenses And Penalties

1. Guidelines for Determining Appropriate Disciplinary Action. In most cases, when corrective or disciplinary action is warranted, a wide variety of such actions are available ranging from recorded oral admonishment to dismissal. In choosing a disciplinary action, the supervisor must consider the circumstances involved in the particular situation, the past work history of the employee and total contribution to the City, the primary objective of disciplinary action as expressed above, the extent to which the penalty will serve as a constructive example to other employees, and any other related factors. The list of "Offenses and Penalties" found in Appendix B is not all inclusive and is not to be employed mechanically. It is a guideline or starting point to be adjusted as the facts and circumstances justify. Any offense not contained in Appendix B should be compared to those listed and a comparable penalty applied.

2. Table of Offenses and Penalties.

Appendix B is the Table of Offenses and Penalties to be used in determining disciplinary action within the City government. In determining whether or not a second or third offense has occurred, only offenses for which penalties were imposed within the three preceding years shall be considered. Where more than one offense is involved, the supervisor should consider a penalty more severe than those listed for either individual offense. A series of recorded oral admonishments can be considered as sufficient previous penalties for determining the degrees of penalty for subsequent offenses. An employee who commits a series of unrelated offenses over a period of time or who commits a combination of different offenses at relatively the same time should receive a greater penalty than one who commits a single offense. Consistency and equity should be the goal in this important evaluation process.

Section 7.3 - Tardiness and Absence without Leave (A.W.O.L.)

An incident of being tardy is defined as reporting to work after an employee's designated start time without the prior knowledge of the employee's supervisor. Corrective discipline for excessive tardiness shall be imposed as follows:

Within a twelve (12) month period

Three (3) tardies - Written warning

Five (5) tardies - One (1) day suspension

Seven (7) tardies - Three (3) day suspension

Nine (9) tardies - Discharge

An incident of absence without leave (A.W.O.L.) is defined as being absent from work on any scheduled workday, for a period equal to at least one-third of the scheduled workday up to a full work-day, without the prior approval of the employee's supervisor.

Corrective discipline for being absent without leave (A.W.O.L.) will be imposed as follows:

Within a twelve (12) month period

One (1) A.W.O.L. - Up to 10-day suspension

Two (2) A.W.O.L.s - Up to discharge

Three (3) A.W.O.L.s - Discharge

It is recognized that the City provides a varied package of services to its citizens. It is further understood that the different departments/divisions performing these services can and may be impacted in different ways by employees reporting to work tardy or being absent without leave. The City Manager is authorized to approve late policies specific to each operation of the city to allow for the most effective and fair approach to minimizing tardiness and absences without leave.

Section 7.4 - Types of Disciplinary Actions and Procedures

Disciplinary action shall consist of one or more of the following.

1. Recorded Oral Admonishment

Recorded oral admonishment is conducted with an interview between the

appropriate supervisor and the employee on the subject of the employee's conduct, performance, or failure to observe a rule, regulation, or administration instruction. It is intended for and is usually the most effective means of improving the employee's performance, behavior, habits, or work methods. The recorded oral admonishment shall be documented with a memorandum being placed in the employee's personnel file outlining the infraction involved and the contents of the interview. This is the course of action to be considered first and used whenever appropriate.

The supervisor shall act as follows:

- A.) Gather all the facts concerning the infraction or deficiency.
- B.) Conduct the interview with the employee in such a way as to avoid embarrassment or humiliation (in private whenever possible and with the least amount of emotion possible).
- C.) State the reasons for the admonishment so the employee understands them.
- D.) Give the employee a chance to express any views or explain any circumstances.
- E.) Consider the employee's explanation and if it is acceptable, close the interview.
- F.) If it is not acceptable, explain why and give specific ways in which the employee is expected to improve or correct the deficiencies involved.

2. Written Reprimand

A written reprimand is a more formal disciplinary action to be used for significant misconduct, inadequate performance, or repeated lesser infractions. The procedures to be followed are the same as in recorded oral admonishments except that the written reprimand more precisely documents the employee's deficiencies and prescribes the required corrective action on the part of the employee. Also, the employee is given a copy of the reprimand and is required to acknowledge receipt thereof. All of this is made a matter of record in the employee's personnel record.

3. Suspension

A suspension is a temporarily enforced absence from duty on a non-pay status which may be imposed upon an employee as a penalty for significant misconduct or repeated lesser infractions. Periods of suspensions will be expressed in work days.

- A.) The facts are gathered under the direction of the Department Head.
- B.) A complete and documented report is provided to the City Manager along with recommendations from the Department Head.

An employee who is on a non-paid suspension shall not be eligible to accrue vacation and sick leave for those days on which the suspension is in effect.

4. Dismissal or Removal

This is the most severe type of adverse disciplinary action because it not only removes the employee from the job, but it also will likely be a bar from further employment in government service. Certain offenses, by their nature, are severe

enough to require immediate discharge. The City Manager alone has the authority to dismiss or remove an employee.

Section 7.5 - Primary Responsibility for Discipline

The Department/Division Head concerned shall be primarily responsible for the discipline of employees within the department. In addition, the Department/Division Head shall be primarily responsible for disciplinary action as provided in Section 7.4-3 if that suspension entails two (2) work days or less, with the condition that the suspension must be approved in writing by the City Manager prior to it becoming final and enforceable.

Section 7.6 - Ultimate Responsibility for Disciplinary Action

The City Manager as Appointing Authority shall have the ultimate duty to take disciplinary action under all the above numbered items.

Section 7.7 - Personnel Appeals Board

In all cases of discipline, excluding probationary appeals, resulting in suspension, demotion or discharge, or any other action which the employee chooses to appeal, the Appointing Authority shall furnish such employee with a copy of the order of suspension, demotion, or dismissal together with his reasons for same. This order of suspension must be supplied prior to the effective time of the disciplinary order and copies thereof shall be filed with the City Manager and the Personnel Appeals Board. The order may be made effective immediately or from a later time and date set forth in the order. The employee shall be given a reasonable time set forth in the order in which to make and file a written explanation of the situation. A copy of such written explanation, if any, shall be filed with the City Manager and the Personnel Appeals Board. The written explanation supplied therein with the City Manager and the Personnel Appeals Board shall be for informational purposes only, and shall be made within five (5) BUSINESS days from the employee's receipt of notice of discipline. The effective date of any such disciplinary action shall not be affected by the filing date of such written explanation.

Any officer or non-probationary employee of the non-exempt service who is not part of a grievance procedure under a labor contract feeling aggrieved by action of the City Manager or of any other Department/Division head may request a hearing thereon before the Personnel Appeals Board by written request. Such request must be filed with the Secretary of the Personnel Appeals Board or with a member of said Board within ten (10) BUSINESS days from the date when such officer or employee is given a written order of suspension, demotion, or dismissal, or within ten (10) BUSINESS days after the appearance of any other action which the employee chooses to appeal.

The Personnel Appeals Board shall promptly set a date and time for a hearing on such an appeal, and at such hearing the appellant may appear in person or by counsel, and the City Manager and/or Department/Division head may likewise appear in person or by counsel, and each may offer such evidence upon the matter as may be pertinent and relevant. Upon conclusion of the hearing, the Personnel Appeals Board may affirm, disaffirm, or modify the judgment of the Appointing Authority as to any disciplinary action involving suspension without pay for more than five (5) days, or demotion, or dismissal. As to any disciplinary action involving suspension for five (5) days or less without pay, or involving any lesser disciplinary action, the authority of the Personnel Appeals Board

shall not include the power to modify, and shall be limited to the power to affirm or disaffirm the disciplinary action. The decision of the Personnel Appeals Board shall be final subject only to court action.

ARTICLE 8 - EMPLOYEE BENEFITS

Section 8.1 - Health Insurance

The City shall provide all full time employees health care through either a preferred provider plan (PPO) or a health maintenance organization plan (HMO). Coverage shall include medical, prescription drug, dental and vision. The health benefits plan, dental and vision coverage shall be based upon the specifications outlined in Appendix C. Eligible employees are required to apply for entrance into the health insurance program by signing the appropriate enrollment card. Employees choosing not to enroll are required to complete a waiver form; however, additional compensation will not be paid to the employee in lieu of insurance premium payments. The effective date of coverage will be the first of the month following completion of 30 days of full-time employment if enrollment cards have been properly completed.

For employees who terminate their employment with the City, there is an option available under the Consolidated Omnibus Reconciliation Act of 1980 (COBRA) for continuation of their health insurance under specified conditions.

Unless otherwise specified in a collective bargaining agreement, all employees enrolled in a health care plan shall be required to contribute towards the cost of monthly premiums beginning January 1, 2001 as indicated below.

- Full time employees hired after January 1, 1995 shall pay ten percent (10%) of the monthly premium cost for health, prescription, dental and vision coverage.
- Employees who are full-time on or before January 1, 1995 shall pay one (1%) of the monthly health & prescription cost the first year (2001), two percent (2%) the next year (2002), and three percent (3%) there after. The employee's co-pay amount shall not exceed fifteen dollars (\$15) per pay period. The City shall pay the full cost of dental and vision coverage for employees who are full-time on or before January 1, 1995.

The City will, at the end of every calendar year, determine the cost of the health program using renewal information received from the health care administrator and/or carrier. The City's renewal information concerning rates and/or administrative costs will be the final determination for assessing the monthly co-pays.

The insurance carriers and/or method of providing the benefits referred to in this Article shall be solely at the discretion of the Employer.

Section 8.2 - Life and Accidental Death and Dismemberment Insurance

Unless otherwise modified by an applicable labor contract, term life insurance and accidental death and dismemberment insurance is provided to all probationary and full-time employees the first day of employment. The amounts of the term life insurance provided to each employee will be determined by the City unless such amounts are designated in an applicable labor contract.

Section 8.3 - Employee Assistance Program

The employer shall provide an Employee Assistance Program (EAP) designed to assist employees with personal problems that often interfere with their work.

Section 8.4 - Full Time Fire Department Employees

Full-time fire department employees working 24-hour shifts who are not members of a collective bargaining group and are not covered by a collective bargaining agreement shall receive the same accrual rates and fringe benefits as specified in the current firefighters contract with the written approval of the City Manager.

Section 8.5 - Pension Pick-Up and Sheltering

The City shall "pick-up" one percentage point of non-union regular and probationary employees' contribution to the Ohio Public Employees Retirement System and The Police and Firemen's Pension and Disability Fund. This benefit is not extended to elected officials, seasonal, student interns, provisional, hourly or temporary employees.

Unless otherwise addressed in a collective bargaining agreement the City shall shelter members pension contributions to the Ohio Public Employees Retirement System and the Police and Firemen's Pension and Disability Fund.

Section 8.6 - Uniforms

Unless otherwise addressed in a collective bargaining agreement, the City shall provide uniforms required by personnel in the discharge of their duties. However, work boots will only be provided when required by OSHA or other federal/state standards.

Section 8.7 - Healthy Huber Heights Employees

In an effort to promote healthy living and exercise among City employees, employees are entitled to a 50% discount on individual season passes to the City pool and any other City facilities' seasonal passes. This benefit does not extend to any daily entry fees or recreation classes.

ARTICLE 9 - HOURS OF WORK

Section 9.1 - Attendance

Employees are required to be at work during the prescribed hours unless on authorized leave. Should employees be unable to report for work, it will be incumbent upon the employee to report that inability to their immediate supervisor at least thirty minutes prior to the start of the regular work shift and such notice shall include when they expect to return to work. For additional requirements, see Article 10 of this Personnel Manual.

Section 9.2 - Work week

The standard work week for full-time employees, other than as provided in a current collective bargaining agreement, shall be forty (40) hours per week, eight (8) hours per day, five (5) days per week. City administrative offices generally shall be open to the public from 8:00 a.m. to 5:00 p.m. daily except Saturday, Sunday, and legal holidays as defined in section 10.1 of this Personnel Manual. Other City department heads shall establish the specific work hours and work schedules within their department.

Section 9.3 - Flex Time

The City Manager may alter the work schedule to remain in compliance with current

labor agreements, Fair Labor Standards Act, other Federal or State laws, or to improve the efficient delivery of services by the City which may from time-to-time include use of "flex-time" or other innovative work schedules to address needs of both the City and non-union employees.

Section 9.4 - Overtime

Monetary compensation for overtime hours worked will only be made to those employees in positions determined to be non-exempt ("Non Exempt Employees") as defined by the Fair Labor Standards Act (FLSA). With the exception of Streets, Fleets, & Facilities Division Foremen and Lead Technicians, such Non Exempt Employees shall be paid time and one half their regular rate of hourly pay for time worked in excess of the established normal hour of work per day or per week, whichever is applicable, when authorized by the Department/ Division Head and approved by the City Manager. Overtime work shall be held to an absolute minimum and will be approved only in emergency situations and for in-frequent, non-routine projects or work.

Non Exempt Employees with the exception of Streets, Fleets, & Facilities Division Foremen and Lead Technicians, may NOT elect to receive compensatory time off in lieu of overtime pay. Employees shall be compensated for actual hours worked.

Streets, Fleets, & Facilities Division Foremen and Lead Technicians shall be paid overtime compensation or earn compensatory time as stated in the current AFSCME-DPSU collective bargaining agreement.

ARTICLE 10 – LEAVES

Section 10.1 - Holidays. Except as otherwise provided in a current collective bargaining agreement, the following nine and one-half days shall be observed as legal holidays by employees of the City of Huber Heights:

New Years' Day	-	January 1
Martin Luther King Day	-	3rd Monday in January
Presidents' Day	-	3rd Monday in February
Memorial Day	-	Last Monday in May
Fourth of July	-	July 4
Labor Day	-	1st Monday in September
Veterans' Day	-	November 11
Thanksgiving Day	-	4th Thursday in November
Christmas Eve - 1/2 Day	-	December 24
Christmas Day	-	December 25

If a holiday falls on Saturday, the preceding Friday will be observed as a holiday, and if a holiday falls on a Sunday, the following Monday shall be observed as a holiday unless otherwise designated by the City Manager.

In addition to the 9.5 holidays which are recognized by the City and on which City offices will be closed, non-union regular employees will be afforded one (1) "floating holiday" to be taken during the calendar year. The floating holiday must be used during the calendar year and cannot be carried over to the next calendar year. This "floating holiday" will be credited as additional personal leave (8 hours for full time employees and 4 hours for part time) at the beginning of the calendar year. Those employees who

begin working for the City after January 1st shall be entitled to the “floating holiday” on a pro-rated basis. Use of the floating holiday shall require the same approval process as personal leave (reference section 10.3).

All full-time and part-time employees who attend work on the scheduled work-day prior to and the scheduled work-day immediately following the above mentioned holidays, or who are on an authorized leave with pay prior to and following the above holidays, shall be paid compensation as normally would have been earned had that employee been in attendance at work on that day.

Section 10.2 - Vacation

Accrual. All regular, full-time, non-bargaining employees shall accumulate vacation leave per pay period at the accrual rates listed below (based on a 40 hour work week):

Completed Years of Service	Accrual Rate Per Pay Period	Approximate No. of Days Annually
0 years but less than 5 years	3.07 hours	10 days
5 years but less than 10 years	5.00 hours	16 days
10 years but less than 15 years	6.15 hours	20 days
15 years but less than 20 years	7.31 hours	24 days
20 years but less than 25 years	8.64 hours	28 days
25 years or more	9.97 hours	32 days

Battalion Chiefs in the Division of Fire working a 24-hour on/48-hour off schedule shall accumulate vacation leave per pay period at the accrual rates listed below:

Completed Years of Service	Accrual Rate Per Pay Period
0 years but less than 5 years	4.62 hours
5 years but less than 10 years	6.46 hours
10 years but less than 15 years	8.30 hours
15 years but less than 20 years	10.15 hours
20 years but less than 25 years	12.00 hours
25 years or more	13.84 hours

Part-time, non-bargaining employees shall accrue vacation leave on a pro-rated basis for actual hours worked. Vacation time shall be accrued on the basis of complete pay periods of employment, and shall begin on the date of hire. No employee will be permitted to use vacation time they have not accrued.

Upon the recommendation of the City Manager and the approval of City Council (approval of City Council only required for Clerk of Council), persons employed in non-bargaining positions at the level of Department/Division head, Deputy City Manager, or Clerk of Council shall be granted and be permitted to use vacation as directed in writing by the City Manager and City Council (City Council only for Clerk of Council) and shall not be subject to the provisions of this policy.

Use. Employees are encouraged to take vacation in 40-hour increments. The minimum chargeable increment is one hour. Newly hired employees may request vacation leave

only after completing six months of employment with the City.

Leave Requests. Vacation leave must be requested and approved in writing, in advance, on a City of Huber Heights Leave Request Form. The granting of all vacation is subject to operational demands.

Credit for Service with Ohio Political Subdivisions. Regular, non-bargaining employees shall be credited with service time earned as full-time, regular employees with any political subdivisions of the State of Ohio for the purpose of determining vacation accrual rates.

Conversion to Pay. Employees with at least five years of service for vacation accrual purposes may elect to convert up to six days of accrued vacation for equivalent pay each calendar year. Employees with at least 10 years of service for vacation accrual purposes may elect to convert up to 12 days of accrued vacation for equivalent pay each calendar year. The annual conversion option shall be elected in writing on a City of Huber Heights Leave Request Form. Upon approval of the Department/Division Head, the cash payment shall be included in the employee's next payroll check.

Vacation Carry Over. Vacation equal to the total vacation hours accrued by an employee in a calendar year shall automatically be carried over to the next calendar. Vacation amounts in excess of the above to an employee's credit as of December 31 shall be automatically carried over to the following calendar year, but such excess vacation is to be used by March 31 of the following year. Any excess vacation not used by March 31 shall be forfeited, unless the employee is eligible to convert vacation to pay as described above. In such case, all excess vacation as of March 31 shall be converted to cash up to the conversion limits described above. Any amounts as of March 31 that are over the conversion limits shall be forfeited.

Payment at Separation. Employees with six months or more of completed service with the City of Huber Heights, who provide at least two weeks' notice and are otherwise in good standing, shall be paid for all accrued but unused vacation leave at the employee's then current rate of pay, upon separation from service. If an employee eligible for payment hereunder dies while employed, the payment shall be paid pursuant to ORC Section 2113.04 or to the employee's estate.

Bargaining-Unit Employees. Bargaining unit employees shall accrue and use vacation according to the applicable collective bargaining agreement.

Section 10.3 - Personal Leave

All non-union permanent full time employees shall be granted two personal days (16 hours) per year. Part-time employees shall be granted 4 8 hours of personal leave days per year. Those employees who begin working for the City after January 1st shall be entitled to personal time on a pro-rated basis.

Personal days are to be used within a calendar year and except as noted below cannot be carried over to another calendar year. The City Manager shall have the authority to extend by three (3) months into the following year the ability to take said personal time in light of extenuating circumstances. The employees shall submit a written request for an extension to the City Manager prior to December 15th, the request must contain the

reason an extension is needed.

The scheduling of personal day usage shall be at the discretion of the Department / Division Head with the expectation that a 24-hour notice will be provided. It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval.

Section 10.4 - Leave without Pay

Non-Union Employees who have exhausted all available vacation and personal leave may be granted additional leave without pay for personal business at the discretion of the Department / Division Head. Such leave without pay shall not exceed five (5) work days within a calendar year, unless approved otherwise by the City Manager. Employees will only be granted leave without pay after they have utilized all available paid leave. The Department / Division Head may not extend this benefit if the employee is off due to a reason covered under the sick leave policy. It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval.

Section 10.5 - Sick Leave

The following sick leave provisions shall apply unless specifically modified by a current collective bargaining agreement. Non-Union full-time employees of the City of Huber Heights shall accumulate sick leave at a rate of 5.00 hours per pay period (based on a 40hr work week). Part-time employees shall accrue sick leave on a pro-rated basis for actual hours worked. No employee will be permitted to use sick leave that has not been accrued.

Such sick leave may be used for absence due to temporary disability caused by illness, injury, or pregnancy, or preventative examinations, or for exposure to a contagious or communicable disease which may be transmitted to fellow employees. Any such absence shall begin when the temporary disability or exposure shall be so severe as to prohibit an employee from attendance at work and shall cease when an employee is able to return to work. If deemed necessary by the City Manager, a physician advising the City shall determine the facts and duration of any sick leave usage.

Sick leave may also be used for a family illness, injury, or for the preventative examination of an employee's spouse, children, or other dependents residing in the employee's household or for persons over which the employee has been appointed legal guardian. The City Manager may also grant the use of sick leave to an employee in times of medical crisis for the employee's parents or siblings.

Employees receiving sick leave compensation are not to be receiving or earning compensation from other job sources for those hours for which the employee has taken paid sick leave from the City.

The City of Huber Heights reserves the right to investigate all usage of sick leave, and may hold full payment of sick leave until said investigation is completed. Should the City determine that an employee has not used sick leave in accordance with the above rules and regulations, payment may be denied and discipline may be meted out in accordance with the severity of any abused sick leave benefits.

The City may require an employee to submit a doctor's certificate detailing the reason and duration of any absence, or the City may require that a physician to be named by the City examine an employee.

Submission of forms

It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval. Any applicable physician notes should be attached to the leave request, these notes will be removed and placed in the employees medical file in the office of the City Manager prior to payroll being submitted to the Finance department.

Section 10.6 -Catastrophic Illness or Injury

City employees who have suffered a catastrophic illness or injury and have depleted all other paid leave (sick, vacation, personal, and comp) may request a donation of sick leave from other City employees. A "catastrophic illness or injury" shall be defined as only those calamitous illnesses or injuries that cause a period of temporary incapacity (inability to work or perform daily activities) that extends over a period of ten (10) work days. This section cannot be applied to a work-related illness or injury that is compensated under Ohio Workers Compensation system.

An employee who is about to exhaust accumulated leave time due to a "catastrophic illness or injury" shall submit a request for donated sick leave to his/her Department/Division head. Attached to the request shall be the physician's certification of the illness or injury, estimated return to work date, and the amount of hours the employee is asking to be donated. The Department/Division head shall notify the City Manager of the request, the City Manager will determine the eligibility of the employee to receive a donation and that determination shall be final. The Department/Division head shall notify the employee of the City Manager's determination. If it is determined that an employee is eligible to receive the donation. It shall be the responsibility of the employee to make the request for donations. Any eligible employee may voluntarily elect to contribute, permanently, sick leave hours to another eligible employee.

The following criterion applies to the Catastrophic Illness or Injury policy.

- A. Only regular, non-probationary, employees are eligible to donate or receive sick leave hours.
- B. Donating Employee:
A full time employee may contribute in one (1) hour increments up to forty (40) hours of sick leave per calendar year, a part time employee may donate sick leave on a pro rated basis for actual hours worked. This donation is permanent and therefore cannot be returned to the donor. The donated hours will not count as an absence for the donating employee. Employees wishing to donate sick leave should fill out a Sick Leave Donation Form and forward it on to the appropriate Department/Division head who shall submit the forms with the next payroll.
- C. Recipient:
A full time employee may receive no more than 320 hours of donated sick time per a twelve (12) month period*, a part time employee may receive the

donation on a pro rated basis for actual hours worked. An appropriate leave request must be submitted indicating the number of hours of donated sick leave he/she will be using during the period of disability, failure to do so may result in the employee's pay being withheld until the appropriate form is received. Employees utilizing donated sick hours will not receive any holiday pay or accrue vacation or sick leave, all other benefits shall remain in tact. A physician must certify the employee's illness or disability, noting the approximate date the employee will be returned to duty. The employee is eligible to receive a donation under this policy for up to one year after he/she has exhausted all accumulated paid leave.

**Twelve month period shall be counted forward from the first day an employee utilizes the donated sick leave.*

Section 10.7 - Funeral Leave

Except as otherwise provided in a current collective bargaining agreement, upon the death of an immediate family member or a dependent in the same household, full-time employees may be granted up to three funeral days plus an additional three (3) concurrent days of sick leave for bereavement purposes. Immediate family shall be defined as Spouse, Parent, Parent-in-Law, Child, Sibling, Grandparent, and Grandchild. One (1) day of funeral leave shall be granted for the following family members; Child-in-Law, Stepchild, Aunt, Uncle or Sibling-in-Law.

It is the employee's responsibility to complete a standard leave request form and submit the request to the Department /Division Head for approval.

Section 10.8 - Injury Leave. Except as otherwise provided in a current collective bargaining agreement, any employee who becomes unable to perform duties as assigned by the Employer due to a physical injury suffered in the discharge or performance of his official duties as an employee of the City shall be eligible for injury leave. Injury leave shall be available for up to eighty-four (84) work days. These eighty-four (84) workdays are fully paid by the Employer, and are in lieu of Workers' Compensation benefits. An employee who applies for injury leave will apply to BWC for medical benefits only, and not lost income benefits. The employee may apply for lost income benefits toward the end of the injury leave if it is known that the absence will continue beyond the paid injury leave. Recurring injuries do not qualify employees to receive injury leave pay beyond the allowable 84 days provided at the time of the initial work connected injury date. Failure to timely report a work-related injury will result in the City's refusal to certify a claim for worker's compensation benefits. It is the employee's responsibility to complete a standard leave request and submit the request to the Department /Division Head for approval.

Section 10.9 - Family and Medical Leave

Statement of Policy

In accordance with the Family and Medical Leave Act of 1993, the City of Huber Heights will grant job protected unpaid family and medical leave to all eligible employees for up to 12 weeks per 12-month period.

The City complies with the federal Family and Medical Leave Act (the FMLA) and all applicable State laws related to family medical leave. This means that, in cases where the law grants you more leave than our leave policy, we will give you the leave required by

law.

Eligibility

To be eligible for family/medical leave an employee must have been employed by the City of Huber Heights for at least 12 months; and have worked at least 1250 hours over the previous 12 month period.

Coverage

Unpaid FMLA leave is granted for any one or more of the following reasons:

- A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
- B. In order to care for an immediate family member (spouse, child, parent) of the employee if such immediate family member has a serious health condition as described in the attachment to WH-380; or
- C. The employee's own serious health conditions as described in the attachment to WH-380 that make the employee unable to perform the functions of his/her position.

Under some circumstances, FMLA leave may be taken intermittently, which means taking leaves in block of time, or by reducing your normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the approval of the City Manager.

For the purpose of FMLA the following definitions shall apply:

- A. "Spouse"- does not include unmarried domestic partners.
- B. "Child" - means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of mental or physical disability. An employee's "child" is one whom the employee has actual day-to-day responsibility for and includes a biological, adopted, foster, or stepchild.

Substitution of Paid Leave

It shall be the City's policy that an Employee's paid sick leave or injury leave must be exhausted if the FMLA absence qualifies for sick or injury leave, and that sick or injury leave is included in the twelve (12) week total.

At the request of the employee, other types of paid leave (other than sick) may be substituted for any type of unpaid FMLA leave. An employee who uses paid leave for an FMLA qualifying event will be required to have that paid leave count against the FMLA leave allowance of twelve (12) weeks. The employee is required to notify the City if they are using paid leave for a reason covered under the FMLA.

Advance Notice Requirement

The City requires thirty (30) day advance leave notice for any FMLA leave. The request for family/medical leave should be submitted on the appropriate form (FMLA-1) to the

Department or Division Head. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed up by the written form submitted within a reasonable amount of time. The Department or Division Head will advise the City Manager of the request and any pertinent information related to the request. The City shall provide the employee with the City's response to the request on the appropriate form (WH-381) and copies of both the request and the response shall be kept by the office of the City Manager in the employee's medical file. If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides notice.

Medical Certification

The City requires that an employee provide a Certification of Health Care Provider form (WH-380) to support the request for leave because of a serious health condition (employees or family members), whenever this leave is expected to extend beyond five (5) consecutive working days or will involve intermittent or part-time leave. The City of Huber Heights may require a second or third opinion at its own expense.

The City requires that the employee provide a Fitness for Duty Certification form (FMLA-2) after a medical leave that extends beyond ten (10) consecutive working days; or that involves a mental disability or substance abuse; or where the medical condition and the employee's position are such that the City believes the employee may present a serious risk of injury to themselves or others if they are not fit to return to work.

The City requires that an employee who has taken FMLA leave for more than two (2) weeks, report to his/her Department or Division head at least every two (2) weeks on their status and intent to return to work.

All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the office of the City Manager in the employee's medical file.

Effect on Benefits

An employee granted leave under this policy will continue to be covered under the City of Huber Heights group health insurance plan & life insurance plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period. If the employee is normally required to contribute towards any portion of the premium the employee will be required to make those payments to the office of the City Manager by the 1st of the month while he/she is out on FMLA. Employees who fail to make these payments or payments that are thirty (30) days overdue may cause the City to terminate the employee's coverage or upon approval by the City Manager the City may choose to pay the employee's contribution. If the City pays the contribution the employee will be required to reimburse the City for the payments made either through a one time payroll deduction (upon the employee's return) or by requesting direct payment, the City Manager shall choose the form of repayment.

An employee is not entitled to seniority, holiday pay, vacation or sick accrual during the period of unpaid leave but will not lose any benefits accrued prior to the leave. Once the employee has returned, their accrual rates for vacation and sick shall be restored. If an employee is off on unpaid FMLA at the beginning of the year (January 1) they will not

receive credit for personal days until they return from unpaid FMLA, at which time their personal days shall be pro-rated based on the number of pay periods remaining in the year.

Job Protection

If the employee returns to work within 12 weeks following FMLA, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority. The employee's restoration rights are the same as they would have been had the employee not been on leave.

If the employee fails to return within 12 weeks following a family/medical leave, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

Couples Employed by the City

If the City employs a married couple and one or both request leave for a birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to them as a couple for those purposes is twelve (12) weeks.

Leave Availability

FMLA is available for up to twelve (12) weeks during a twelve (12) month period. For the purpose of calculating leave availability, the twelve (12) month period is a rolling twelve (12) month period measured backwards from the date you use any FMLA leave.

Section 10.10 - Military Leave.

A) Short Term Military Leave –

- 1.) Permanent employees who are members of reserve components of the Armed Forces of the United States shall be granted an unpaid leave of absence for a period not to exceed thirty-one (31) calendar days in any one calendar year. To qualify for the benefits provided, the employee must show military orders to his supervisor prior to reporting for training or duty. For the purpose of computing vacation, sick leave and other benefits, Short Term Military Leave will count as full service with the City of Huber Heights.

B) Extended Military Leave –

- 2.) Permanent employees who are drafted or called for active duty with the Armed Forces of the United States or one of its reserve components shall in accordance with existing laws be entitled to re-employment after separation or discharge under honorable conditions from such service. The employee must be physically and mentally able to do the work required and must report for work within ninety (90) days of discharge. The employee shall be reemployed in the same position or a similar position to the one held at the time of entry into the Armed Forces. The employee will enjoy seniority and benefits of that seniority that would be due as though he had been actively on the payroll. However, while on extended leave the employee shall not be entitled to benefits of employment, such as, sick, vacation, personal leave days or group health and life insurance and other such coverages.

- C) Military physical examinations leaves –
- 1.) An employee shall be granted permission to be absent from work in order to receive physical examination for compulsory military service in the Armed Forces in the United States. He shall be entitled to use paid sick leave for that purpose during such absence for a period not to exceed three (3) days.
 - 2.) Employees wishing to enlist shall be permitted to take one (1) enlistment physical and shall receive no more than one (1) day paid sick leave for that physical.

**The Department/Division Head may require written evidence of the number of necessary days of absence.*

Section 10.11 - Jury/Witness Duty Leave

Employees shall be granted leave with pay to perform jury duty provided that any compensation received for jury duty shall be endorsed to the City of Huber Heights. In the event an employee is ordered by an Officer of the Court to appear as a witness not related to his/her employment with the city, that employee shall be granted leave with pay to fulfill said witness duties provided that any compensation received for such duty shall be endorsed to the City of Huber Heights.

Section 10.12 - Other Absence

Employees who are going to be absent from work on a non-scheduled basis shall notify their immediate supervisor at least thirty (30) minutes prior to the start of the normally scheduled work period.

Any absence from work that is not detailed in Article 10 of this Personnel Manual shall be considered an unauthorized absence from duty.

Temporary leaves of absence with or without pay for training purposes or for any other objective related to the employee's work may be granted and renewed by the City Manager for such periods of time and for such reasons as he may consider justifiable.

Leaves of absence with pay for the good of the service may be granted by the City Manager, either upon recommendation of the department head concerned, with the concurrence of the City Manager, or upon his own election provided that such affected employee signs a reimbursement form for the City records. Such leaves may be granted when it is determined that it will result in significant, positive results for the department in which that employee is assigned, and/or for the City, and/or the citizens of the community, and only when it is determined by the City Manager that such positive results are unattainable in any other existing approved manner.

Prior to allowing an employee to return to work from a leave of absence, the City Manager may, if he deems it necessary, require any employee granted a leave of absence to submit to an examination by a physicians or other qualified person(s) selected by the City to determine the fitness of such employee to fulfill his duties to the City.

ARTICLE 11 - HEALTH, SAFETY, TRAINING & TRAVEL POLICIES

Section 11.1 - Life Threatening Illness Policy

The City of Huber Heights recognizes that employees with life-threatening illnesses wish to continue to lead normal lives, which includes working as long as their health permits.

Employees with AIDS or any other life-threatening illness (LTI) may continue to work as long as they are able to meet acceptable performance and attendance standards, and medical evidence indicates that their condition and actions pose no threat to themselves, other employees, or the public at-large. The City recognizes that it has the responsibility of providing a safe work environment for all of its employees. The following guidelines shall be used when dealing with LTI-related employment issues:

- 1) Treat a life-threatening illness as a handicap and we will not terminate nor refuse to hire anyone if he/she is "otherwise qualified" for the job in question.
- 2) If an employee refuses to work with a victim with a life threatening illness, the City will replace the employee who refuses and will not accommodate their refusal by arranging a transfer to a different job.
- 3) If the victim with a life-threatening illness is unable to perform the essential functions of his/her job or can perform the job but only at the risk of endangering the health or safety of fellow workers, then the City will make every attempt to effectuate a transfer to a suitable job.
- 4) The City will respect the privacy of patients with a life threatening illness. The City will do its utmost to see that information of their illness is not communicated to others.
- 5) The City will not tolerate harassment of sufferers of a life-threatening illness among its employees or any other actions which would create a hostile work environment for them.

Section 11.2 -Federal Drug Free Work Place Act of 1988

This Statement of Policy is required by regulations implementing the Drug-Free Workplace Act of 1988. The regulations published in the May 25, 1990 Federal Register requires certification by grantees, prior to award, that grantees will maintain a drug-free workplace. The statement of policy set out below is a material representation of fact upon which reliance can be placed when a federal agency determines to award a grant. False certification shall be grounds for suspension of payments, suspension/termination of grants, or government-wide suspension or debarment.

The City of Huber Heights, Ohio will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, dispensing, distribution, possession, or use of a controlled substance is prohibited in the City's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establish an ongoing drug-free awareness program to inform the employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The City of Huber Heights' policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs;
 - d. Penalties that may be imposed on employees for drug abuse violations occurring in the workplace.

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1).
4. Notifying the employee in the statement required by paragraph (1) that as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement;
 - b. Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five days after such conviction.
5. Notifying the granting agency in writing within ten calendar days after receiving notice under subparagraph (4) (b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees will provide notice, including position title, to every grant office on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
6. Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (4) (b) with respect to any employee who is so convicted:
 - a. Taking appropriate action against such an employee up to and including termination, consistent with the Requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (1), (2), (3), (4), (5), and (6).

The City of Huber Heights, Ohio states that this statement of policy covers the following places of performance: All properties owned, leased, or occupied by the City of Huber Heights, including the surrounding grounds, and any location, including the immediate proximity where an employee's authorized duties may be conducted.

**Section 11.3 - Alcohol and Controlled Substance CDL Testing Program
(See Appendix D)**

Section 11.4 - Safety Policy Statement

The City of Huber Heights places the utmost importance on employee and citizen safety. The policy of the City of Huber Heights will be to provide a safe, healthy environment for all employees and citizens. The City of Huber Heights is exposed to various liability risks associated with providing services to our citizens. These risks are most evident when incidents occur involving damage to property and injuries to personnel and our citizens. Our primary interest is the welfare of the employees, citizens, and visitors to the City of Huber Heights facilities.

We fully and thoroughly review all accidents, losses, and nonconformance to safety requirements and initiate necessary corrective measures. Our responsibility is to prevent accidents in every facet of the City's operations. We will continually evaluate and improve the City's programs, activities and facilities to maintain our high standards of excellence. The principle objectives of the City of Huber Heights are to protect people and to preserve all public assets and revenues.

It is the responsibility of the City Administration, with the help of all employees to see that the City's Loss Control Program is implemented in accordance with this Policy Statement. We will meet the requirements of this policy through the education, training and involvement of every City employee and the continual promotion of safe work practices and a safe working environment

Section 11.5 - Safety and Job Performance

Each employee of the City will be responsible for performing his or her job in a safe and efficient manner. Administrative and supervisory personnel are responsible for making sure the employee has been issued the proper safety equipment and has been instructed in the use of such equipment. Employees are required to wear appropriate safety devices when performing duties where the wearing of such safety apparel is required.

Employees who are aware of unsafe equipment or operating conditions must report such conditions to their supervisors. Upon notification, the supervisor shall immediately or as soon as practical, take action to correct the unsafe equipment or condition.

Employees who are on medication for treatment of an illness or health condition are required to report to their supervisor the potential side effects of such medication which may present an unsafe condition for the employee or the public.

Section 11.6 - Training

In the event the City purchases a new piece of equipment or implements a new operating procedure, all affected employees are to receive professional training in the use and implementation of the new equipment and operating procedures.

Section 11.7 - Educational Assistance

The continuing education and development of all employees is most desirable. In order to encourage such advancement, a tuition reimbursement benefit is offered. Training and educational courses that are job related may be reimbursed by the City upon successful completion of such courses. job related courses are defined as those courses which are directly and specifically related to an employee's present job duties.

The following conditions will apply:

1. Employee is full-time and has completed probationary period.
2. Training or Course is "job related".
3. Requests to attend training or course with expenses to be reimbursed by the City must be approved in advance of taking training or course by the Department/Division Head and the City Manager. ***A purchase order must be obtained in advance.***
4. Reimbursement will be made to the employee only after receipt of evidence of satisfactory completion of the training or course. Satisfactory completion will be

considered no less than a C or equivalent grade.

5. Upon successful completion of the course, the employee requesting reimbursement must submit proof of payment within thirty (30) days showing that he/she has completed the course or training.
6. Employees who terminate City employment within one year of completion of a reimbursed course or training will be required to reimburse the City for expenses incurred. The City Manager is authorized to waive this requirement under unusual and justifiable circumstances.

Section 11.8 - Car Allowance

City employees shall be encouraged to use City cars for official City business. Whenever a City employee uses his private automobile in the conduct of official City business, the employee shall be compensated at the rate currently provided for by IRS regulations. Such use must be authorized. A Mileage Reimbursement Form must be signed by the Department Head and the City Manager before being forwarded to the Finance Department. Use of all City owned vehicles shall be according to the rules for the department. The City shall not be responsible for private vehicle insurance.

Section 11.9 - Use Of City Cars

City cars shall be used exclusively for official City business.

Section 11.10 - Seat Belt Requirement

All employees, when either operating or serving as passengers in City vehicles, will be required to wear occupant-restraining devices available in those vehicles. When transporting non-city personnel, City employees will be responsible for making sure all occupant-restraining devices are used by such passengers. No City vehicle is exempt from this rule unless the vehicle does not presently contain occupant-restraining devices.

Section 11.11 - Travel Policy (See Appendix E)

Section 11.12 - Motor Vehicle Record Policy

I. Introduction

This policy will be known as the Motor Vehicles Records Policy. This policy will help the City of Huber Heights identify employees who have a current and valid Ohio driver's license and employees that maintain a safe driving record. By maintaining these records, the City of Huber Heights sets forth that the City is committed to providing a safe and healthy environment for all employees and citizens as outlined in the City's Safety Policy Statement.

II. Coverage of this Policy

A.) All employees who drive a city controlled vehicle or equipment on public streets, or any other vehicle on behalf of the city and are not covered by a current policy regarding the operation of motor vehicles within the Division they work are subject to this policy.

B.) Employees who are currently covered by a Division's Policy regarding the operation of motor vehicles are subject to their respective Division's Policy and in no instance will this policy supersede the respective Division's Policy.

III. Driver's License

A.) In order to drive a city controlled vehicle or any other vehicle on behalf of the city, an

employee must have a current and valid driver's license as determined by the State of Ohio.

B.) In an attempt to keep current records of valid driver's licenses, a prospective employee must show their driver's license before the date of hire and an existing employee that drives a city controlled vehicle or any other vehicle on behalf of the city, must have his/her driver's license checked for validity annually. The annual check will occur within seven (7) days after the employee's birthday.

IV. Suspended or In-Valid Driver's License

A.) Any prospective employee or existing employee who does not have a current and valid driver's license or has a suspended driver's license is prohibited from driving a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City until such time that his/her driver's license is valid and/or no longer suspended.

B.) Any prospective employee or existing employee who violates Section IV(A) of this policy is subject to the penalties outlined in Section VIII(A) below.

V. Motor Vehicle Records Check

A.) All prospective employees are subject to a motor vehicle records check.

B.) Any existing employee who drives a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City is subject to a motor vehicle records check.

VI. Employee Notification of Points

A.) An existing employee must notify the City's motor vehicle Records Keeper (as appointed by the City Manager) of any traffic violation, except for a parking ticket, they receive while driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City. This notification must describe the nature of the traffic violation and how many points the driver received under the State of Ohio's Point Law.

B.) Failure to notify the City's Motor vehicle Records Keeper as outlined in Section VI(A) within one week of the traffic violation will result in a doubling of the points received for each particular traffic violation that was not reported.

C.) Any prospective employee and all existing employees must notify the City's Motor vehicle Records Keeper any time their driver's license is revoked, suspended, or not currently valid. For prospective employees, this notification must be before he/she starts employment with the City. For existing employees, this notification must be within 24 hours of the suspension, revocation, or failure to validate his/her license. Failure to notify the City as outlined in this subsection will result in disciplinary action as outlined in section VIII(B).

VII. Computation of Points

A.) All points received for traffic violations will be added together. Points will be accumulated for a period of one year-Point Collection Period. The one year Point Collection Period will start the first day of the first month that is at least 30 days after the adoption of this policy. At the end of the one year Point Collection Period, each

employee's point total will be set back to zero and a new Point Collection Period will begin.

B.) Only points received as a result of a traffic violation while driving a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City will be accumulated during the Point Collection Period.

C.) The number of points accumulated in any one-year Point Collection Period will result in the following action:

- 1) An employee accumulating 4 to 6 points, within the current Point Collection Period, will receive a written warning from the City Manager.
- 2) An employee accumulating 7 to 9 points, within the current Point Collection Period, will be prohibited from driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City for a period of 30 days.
- 3) An employee accumulating 10 or 11 points, within the current Point Collection Period, will be prohibited from driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City for a period of 60 days.
- 4) An employee accumulating 12 or more points, within the current Point Collection Period, will be prohibited from driving a city controlled vehicle; city equipment on public streets; or any other vehicle on behalf of the City for a period of 180 days.

D.) Any employee who is prohibited from driving a city vehicle; city equipment on public streets; or any other vehicle on behalf of the city; as outlined in VII(C) (2), (3), (4) ; when a new point collection period is set to begin, will not have their point total set back to zero at the end of the point collection period. Rather, their point total will be reset back to zero after they finished their driving suspension.

VIII. Discipline

A.) Any existing employee or prospective employee that drives a city controlled vehicle, city equipment on public streets, or any other vehicle on behalf of the City while prohibited to do so as outlined in Sections IV (A) and/or VII (C) , (2) , (3) , (4) will be subject to disciplinary action as determined by the City Manager.

B.) Any existing employee or prospective employee that fails to report to the Motor Vehicle Records Keeper that his/her license is suspended, revoked or is not currently valid as outlined in section VI (C) will be subject to disciplinary action as determined by the City Manager.

ARTICLE 12 – SEPARATION, RETIREMENT and REINSTATEMENT

Section 12.1 - Layoff and Recall

Should a layoff or reduction in the work force of the City of Huber Heights be necessary, that layoff or reduction shall occur in the manner described as follows as approved by Council:

The City Manager shall determine those positions which shall be reduced in number. Such reduction will take place solely in those positions as determined by the City Manager and approved by Council. Employees shall be laid off at the time and in the number specified by the City Manager, in inverse order of seniority with the City. Within each effective class, all provisional employees shall be laid off before part-time employees, part-time employees shall be laid off before probationary employees, and all probationary employees before full-time employees.

The names of individuals laid off in accordance with this section shall be placed on a recall eligibility list which shall be valid for a period of one year from the effective date of the layoff. Such recall eligibility list may be extended by the City Manager for an additional six (6) month period. The order of the list shall be in inverse order of the order in which the layoff occurred.

Those employees who have been laid off shall be called back to work in the order as indicated on the re-appointment eligibility list. Should an employee be unavailable to return to work in a period of time as deemed reasonable by the City Manager, but in any case not to exceed two weeks, or refuse to return to work, that employee's name shall be removed from the reemployment eligibility list. Any such appointment shall be in accordance with the appropriate section of these Personnel Regulations.

Section 12.2 - Resignation

An employee may resign from the City at anytime in good standing by presenting a letter of resignation to his/her supervisor with a copy to the City Manager at least two (2) weeks prior to his/her departure. Employees who comply with this provision and have completed six (6) months of service with the City will be entitled to receive payment for any unused accumulated vacation on the basis of one day's pay for each day of vacation so accumulated. There shall be no compensation for sick leave or personal leave accumulated for an employee who resigns from employment with the City. The City Manager may waive the minimum notice standard in extenuating or extraordinary circumstances.

Section 12.3 - Retirement

Any employee of the City of Huber Heights eligible to retire under the applicable rules, regulations, and statutes of the State of Ohio shall do so in accordance with the rules of the Public Employees Retirement System or the Police and Fire Pension System consistent with the City of Huber Heights Personnel Rules and Regulations.

Full-time employees may convert up to 60 days of sick pay (480 hours based on a regularly scheduled 40-hour work week) at the time of their retirement. If an employee should die while employed by the City of Huber Heights, a maximum of 200 sick days will be paid at 100% regardless as to whether the death occurred on- or off-duty.

Accrual vacation earned by an employee and unused shall be paid to the employee at the time of retirement as determined by the City Manager, not to exceed current collective bargaining agreement as approved by City Council. Such appropriate vacation conversion and sick leave conversion shall be paid at the time of retirement consistent with the remainder of this personnel rule and regulation.

1. Employees eligible to retire and seriously contemplating such retirement in the upcoming fiscal year shall file a notice with the City Manager of their intent to retire.

This notice shall be filed no later than April 1st of the year preceding [or “prior to”] the fiscal year in which retirement is planned. Such notice shall not be considered a resignation but a request for the City to budget such accumulated benefits as may be distributed to the eligible employee upon actual retirement.

2. Eligible employees who actually retire must file a resignation letter with the City Manager at least two weeks prior to the actual effective date of the retirement.
3. Employees eligible to retire who file the required notice of intent by April 1st of the year prior to the fiscal year in which the retirement is contemplated and file a resignation letter at least two (2) weeks prior to the effective date of retirement shall be entitled to receive accumulated benefits in a lump sum payment upon the first regularly scheduled pay date following the actual date of retirement.

Employees eligible to retire who neglect to file a notice of intent by April 1st of the year prior to the fiscal year in which retirement is contemplated or who fail to give two weeks notice prior to the effective date of retirement, shall not receive payment of accumulated vacation and/or sick leave benefits upon the effective date of such resignation, but rather, shall receive such benefits within the first sixty (60) days of the following fiscal year.

Employees who wish to continue employment with the City after the age of seventy (70) shall submit to the City Manager an application for such continued employment in accordance with federal law. The City Manager shall review the application and may, should he deem necessary, order the employee to be examined by a physician advising the City. The decision of the City Manager will be final.

Section 12.4 - Disability Retirement

Any employee of the City who desires to apply for disability retirement through the Public Employees Retirement System, the Police and Fireman's Pension Fund, or any other retirement system, which may be mandated by the state or federal government, may be required to submit to an examination by a physician selected by the City Manager.

Upon determination by a physician advising the City that the employee is permanently and totally incapable of performing the necessary functions of his position, that employee with the assistance of the City shall immediately begin processing application forms for a disability retirement.

Upon confirmation by the State that an injury or illness qualifies the employee for a disability retirement, the employee shall notify the City Manager immediately by letter of his intent to resign. The employee may receive compensation for all unused sick leave and unused vacation at a rate determined by the City Manager, not to exceed current labor agreements as approved by City Council; he or his beneficiary will be compensated at retirement or death.

Section 12.5 - Reinstatement

A non-probationary employee in the non-exempt and exempt services of the City may be reinstated upon approval of the City Manager, to the same or similar position with the City at any time within one (1) year from the date of resignation. A new probationary period shall be required.

All benefits to be provided to the employee will be agreed upon prior to reinstatement. A copy of the agreement, signed by the employee and the City Manager, will be placed in the employee's personnel file.

All employees being considered for reinstatement will be required to successfully pass a physical examination and any other tests deemed appropriate by the City before reinstatement. Employees terminated for cause are not eligible for re-hire.